

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 19, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAC-23080 - APPLICANT: TRIPLE FIVE NEVADA
DEVELOPMENT CORPORATION - OWNER: GREAT MALL OF LAS VEGAS, LLC**

**** CONDITIONS ****

The Planning Commission (6-0-1/d vote) and staff recommend APPROVAL, subject to:

1. The limits of this Petition of Vacation shall be defined as a portion of the southern half of Deer Springs Way, between Catalina Village Street and Doe Brook Trail.
2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including the property not controlled by the applicant (if applicable), so that an un-maintained “no-man’s land” area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. Also, the plan shall show how Deer Springs Way will be realigned to provide continuous access to Doe Brook Trail. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. Dedication for the realignment of Deer Springs Way shall record concurrently with this Petition of Vacation unless otherwise allowed by the City Engineer.
4. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of the Order of Vacation.
5. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
6. All development shall be in conformance with code requirements and design standards of all City Departments.
7. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not

changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.

8. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a Petition to Vacate a portion of Deer Springs Way west of Doe Brook Trail. This section of Deer Springs Way will be realigned further north to connect with Doe Brook Trail at the southern edge of the approved Great Mall of Las Vegas project, diverting traffic away from existing residential neighborhoods.

The petition does not result in a conflict with any existing City requirements. Staff therefore recommends approval.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/09/98	The City Council denied a Rezoning (Z-0133-97) from R-E (Residence Estates) and C-2 (General Commercial) to PD (Planned Development) on 24.91 acres located at the northeast corner of Durango Drive and Deer Springs Way. The Planning Commission and staff recommended denial.
12/07/98	The City Council approved a Rezoning (Z-0076-98) to T-C (Town Center) of a 1,468-acre portion of northwest Las Vegas, including the subject site. The Planning Commission and staff recommended approval.
03/06/02	The City Council approved a Development Agreement (DA-0002-01) between the City of Las Vegas and Montecito Town Center, LLC to establish standards for the 172-acre area within the Centennial Hills Town Center known as Montecito Town Center. The Planning Commission and staff recommended approval.
12/01/04	The City Council approved a Major Modification (MOD-5497) of the Town Center Land Use Plan to change the land use designation from MS-TC (Main Street Mixed Use – Town Center) to GC-TC (General Commercial – Town Center) on 24.91 acres adjacent to the northwest corner of Deer Springs Way and U.S. Highway 95. The Planning Commission and staff recommended approval.

07/12/06	The City Council approved a Major Modification (MOD-11449) of the Town Center Land Use Plan to change the land use designation from GC-TC (General Commercial – Town Center) to UC-TC (Urban Center Mixed Use – Town Center); a Special Use Permit (SUP-11444) to allow a Town Center development in excess of 12 stories; a Variance (VAR-13505) to allow a reduction in the amount of required open space in Town Center; and a Site Development Plan Review (SDR-10126) for a proposed 1.75 million gross square foot mixed-use Regional Mall with waivers of the Town Center Development Standards on 49.82 acres at the northeast corner of Grand Montecito Parkway and Deer Springs Way. The Planning Commission recommended approval of all items. Staff recommended approval of all items except the Variance.
08/23/07	The Planning Commission recommended approval of companion item VAC-23079 concurrently with this application. The Planning Commission voted 6-0-1/d to recommend APPROVAL (PC Agenda Item #19/ss).
Related Building Permits/Business Licenses	
There are no building permits or business licenses associated with this site.	
Pre-Application Meeting	
A pre-application meeting is not required for this application, nor was one held.	
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
07/16/07	A site visit revealed that Deer Springs Way is gated at the east side of Doe Brook Trail; a landscaped turnaround is located there. Land to the north is undeveloped. Single-family homes are located to the south of Deer Springs Way.

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Montecito Town Center	X		Y
T-C Town Center District	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
T-C (Town Center) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DESCRIPTION

The Petition proposes to vacate a portion of the South Half (S½) of Deer Springs Way, forty feet (40') wide, commencing at the west right-of-way line of Doe Brook Trail, extending westerly approximately two hundred sixty three feet (263'), including spandrel areas and a radius curve; said property being a portion of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of Section 20, Township 19 South, Range 60 East, M.D.M.

ANALYSIS

Condition Number 21 of the approved Great Mall of Las Vegas project (SDR-10126) requires a Petition of Vacation to be approved (in part) for Deer Springs Way adjacent to Assessor's Parcel Number 125-20-601-003, which is currently bounded by Grand Montecito Parkway on the west, Deer Springs Way on the south and Doe Brook Trail on the east. The new alignment will divert traffic to the north of single-family residences on the south side of the existing Deer Springs Way alignment and the Timberlakes development east of Doe Brook Trail. Currently there is a turnaround on Deer Springs Way at Doe Brook Trail. Deer Springs Way continues eastbound past the gates at this intersection.

FINDINGS

Vacation of the existing right-of-way will allow for the realignment of Deer Springs Way as proposed through the Great Mall project. No public access to any adjacent parcel will be impeded; however, the applicant will be required to show how the requested right-of-way would be incorporated into adjacent parcels so as not to create a "no-man's land." There will not be any reduction in the capability of Deer Springs Way to handle traffic, as the new street will be dedicated to the standards as proposed by the developer of the Great Mall property. The new Deer Springs Way alignment will be dedicated concurrently with the recordation of this Order of Vacation. Approval is therefore recommended.

The Department of Public Works presents the following information concerning this request to vacate certain public street rights-of-way:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *It will result in a uniform width, as it will maintain the same width, but Deer Springs Way will be realigned north of its current location.*
- B. From a traffic handling viewpoint, will this vacation request result in a reduced traffic handling capability? *No, since the same right-of-way width will be maintained.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to realign Deer Springs Way to coincide with adjacent development plans.*

- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, the Great Mall, SDR-10126.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 9 by City Clerk

APPROVALS 0

PROTESTS 0